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January 15, 2003

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Pine Belt Cellular, Inc. & Pine Belt PCS, Inc.
CC Docket No. 94-102
Amended Petition for Waiver and Quarterly TTY Statu Report

Dear Ms. Dortch:

On June 28, 2002, Pine Belt Cellular, Inc. submitted a Petition for Waiver of Section 20.18(c) of the Commission's Rules and the June 30, 2002 deadline for compliance with 911 text telephone ("TTY") obligations for digital wireless carriers.' Pine Belt Cellular, Inc., by counsel, hereby submits the attached "Amended Petition for Waiver and Quarterly Report" ("Amended Petition") to clarify that its request includes its affiliated company, Pine Belt PCS, Inc., and to seek further extension of the deadline, until November 23, 2003.

Additionally, the attached Amended Petition serves as the carriers' quarterly report pursuant to the Commission's directive in this proceeding.²

Please contact the undersigned with any questions or concerns.

By:


John Kuykendall
Terri Granison

Their Attorneys

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¹ See Pine Belt Cellular, Inc. Petition for Waiver of Section 20.18(c) of the Commission's Rules and the Deadlines Established in the Fourth Report and Order, CC Docket No. 94-102, filed June 28, 2002 ("Petition"). The Petition remains pending at the Commission.

² In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Order, CC Docket 94-102, para. 24 (rel. June 28, 2002) (Commission requiring that quarter reports continue for carriers seeking additional time beyond the June 30, 2002 compliance deadline).

PCS”) and requests further extension.⁴ Waiver is warranted due to the fact that Pine Belt Wireless confronts circumstances that will render compliance with the deadline economically infeasible. To further the public interest, Pine Belt Wireless proposes a specific deployment schedule to implement a TTY solution in the most efficient and expeditious manner.’ Accordingly, the Commission should grant this instant waiver.

I. Background

Pine Belt Wireless provides cellular service in the RSA 3B2 market and PCS service in the Selma, AL BTA. Pine Belt Wireless has chosen to implement CDMA technology in its network and has selected Lucent Networks as its infrastructure vendor.

II. Waiver is Warranted

Grant of waiver of the Commission’s Rules is warranted when

[i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.⁶

Pine Belt Wireless’ waiver request satisfies this standard.

⁴ Pine Belt Cellular and Pine Belt PCS (collectively “Pine Belt Wireless”) provide Commercial Mobile Radio Service (“CMRS”) in certain counties in Alabama. The companies operate under the same marketing name, have contiguous service areas and utilize the same switch. Accordingly, from a consumer perspective, the two subsidiaries operate as one company.

⁵ Pine Belt Cellular provides analog service within its licensed service area and other cellular carriers provide analog service within Pine Belt PCS’s licensed service area. Accordingly, the public would not be harmed by a temporary waiver because alternative access to TTY exists.

⁶ 47 C.F.R. § 1.925(b)(3)(ii)

A. Pine Belt Wireless Confronts Unique and Unusual Circumstances That Are Beyond Its Control

Pine Belt Wireless depends on Lucent, as well as handset manufacturers, to make its network TTY-compatible. Currently, Pine Belt Wireless has the Lucent release 5E-13 installed in its network. In order to make its network TTY-compliant, Pine Belt Wireless must upgrade its system to release 5E-16. This requires expensive hardware and software upgrades.

For the past two years, Pine Belt Wireless has been diligently seeking to obtain funding for the necessary software upgrades to comply with a variety of Commission mandates. Although Pine Belt Wireless recently has had promising indications from a major lender, the company has yet to receive official notice regarding such funding. Without assurance of proper funding, Pine Belt Wireless cannot execute a purchase order with Lucent to make the requisite upgrades because current operations will not support this capital expenditure, which is expected to be well in excess of \$500,000.

B. Grant of the Waiver Would Further the Public Interest

Pine Belt Wireless is not requesting a blanket waiver of the Commission's TTY Rule but, rather, it is requesting waiver only to the extent that these requirements could not be accomplished in an economically feasible way. In its initial request for waiver, Pine Belt Wireless had estimated that by March 31, 2003, it would have obtained the necessary funding, purchased and implemented the TTY solution; however, the company has yet to receive the necessary funding. Accordingly, additional time is required, until November 23, 2003, to obtain the funding, as well as purchase and implement the TTY

solution in the most efficient and expeditious manner.⁷ During the temporary extension period, Pine Belt Wireless would continue to submit quarterly progress reports to keep the Commission apprised of progress towards compliance.⁸

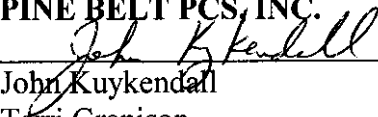
111. Conclusion

Unique and unusual circumstances render Pine Belt Wireless' ability to satisfy the FCC's TTY Rule impossible due to factors beyond its control. Imposition of a rule that is economically infeasible for Pine Belt Wireless to meet would be inequitable, unduly burdensome and contrary to the public interest. To advance the public interest, the FCC should extend the deadline for Pine Belt Wireless to comply with the TTY requirements until November 23, 2003.

Respectfully submitted,

PINE BELT CELLULAR, INC.
PINE BELT PCS, INC.

By:


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Terri Granison
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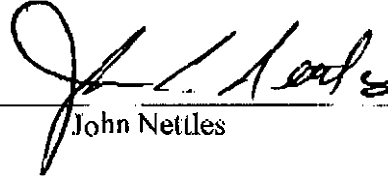
January 14, 2003

⁷ The same MTX10 switch upgrade is required for Pine Belt Wireless to support roaming for customers with pooled numbers. Accordingly, Pine Belt Wireless also has requested temporary extension of that requirement until November 23, 2003 by which time it anticipates obtaining the necessary funding to install the switch upgrade. *See* Pine Belt PCS, Inc. and Pine Belt Cellular, Inc. Petition for Waiver of Sections 20.12(c) and 52.31(a)(2) of the Commission's Rules, CC Docket Nos. 99-200 & 95-116; WT Docket No. 01-184, filed Nov. 22, 2002. Further, the public would not be harmed by grant of such relief due to the fact that individuals with speech or hearing disabilities could continue to use TTY devices with wireless telephones in an analog mode.

⁸ This instant Amended Petition for Waiver serves as the fourth quarterly report for 2002.

DECLARATION OF JOHN NETTLES

I, John Nettles, President of Pine Belt Cellular, Inc. and Pine Belt PCS, Inc., do hereby declare under penalty of perjury that I have read the foregoing Amended Petition for Waiver and Quarterly Report and that the facts stated therein are true and correct. to the best of my knowledge, information and belief.

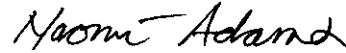


John Nettles

Date: January 14, 2003

CERTIFICATE OF SERVICE

I, Naomi Adams, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Amended Petition for Waiver and Quarterly Report" was served on this 15th day of **January** 2003, via hand delivery to the following parties:



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